



# UNITED STATES PATENT AND TRADEMARK OFFICE

*MN*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,467	12/27/2001	Richard Alan Barraclough	Gerry01	2184
<div>7590      05/02/2007</div> <div>Henry L. Smith, Jr. 9273 S. Cornell Circle Highlands Ranch, CO 80130</div>				
			<div>EXAMINER</div> <div>PITARO, RYAN F</div>	
			<div>ART UNIT</div> <div>2174</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>05/02/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/034,467

Applicant(s)

BARRACLOUGH, RICHARD ALAN

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12, 14-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-12,14-20 have been examined.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Response to Amendment***

3. This action is in response to Amendment D filed 2/20/2007.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12,14-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

Art Unit: 2174

had possession of the claimed invention. Support for PID loop controllers cannot be found in the specification as originally found. Applicants cannot amend the specification to include support for the newly added limitation.

### ***Specification***

The amendment filed 2/20/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

", including PID (proportional integral derivative) loop controllers, which contain both sensors and controllers." and "which contains a PID loop controller."

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2174

7. Claims 1-7,9-12,14,16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillis ("Gillis", US 6,871,340) in view of Thomas ("Thomas", US 2002/0054096).

As per claim 1, Gillis teaches a computer program process, called a wizard builder, executable on a computer wherein the setup wizard is constructed by means of asking a human user of the application program simple verbal questions, in English or other language convenient to a human user, and wherein the wizard builder does not require a human user to have any knowledge of writing or using computer programs (Column 2 lines 65-67, Column 3 lines 1-12, Abstract). However, Gillis fails to distinctly point out a process for adapting an application program to function with devices or sensors monitoring or controlling a process occurring in real-time, wherein the wizard builder constructs a setup wizard which sets up a de facto interface between the devices or sensors and the application program, and asking questions about the model and manufacturer of the devices or sensors. Thomas does teach a process for adapting an application program to function with devices or sensors monitoring or controlling a process occurring in real-time ([0023] lines 9-12), wherein the wizard builder constructs a setup wizard which sets up a de facto interface between the devices or sensors and the application program ([0024] lines 1-5), and asking questions about the model and manufacturer of the devices or sensors ([0032] lines 1-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the process of Gillis with the teaching of Thomas. Motivation to do so would have been to provide a rapid

and cost effective method to enable an integrator to select a small number of important parameters of an electronic device for a custom interface.

As per claim 2, Gillis-Thomas teaches altering a setup wizard (Gillis, Column 2 lines 65-67, Column 3 lines 1-12), wherein a human user of the application program can alter and create another setup wizard, which can be run to set up an application program with connection details and properties of other devices or sensors (Thomas, [0020] lines 1-15).

As per claims 3-4, Gillis-Thomas teaches the computer program process, wherein the setup wizard constructed by the computer program process in the form of a disk file is adapted to be moved to another computer by a human user without any knowledge of writing computer programs (Gillis, Column 16 lines 49-65).

As per claim 5, Gillis-Thomas teaches wherein the setup wizard is adapted to be altered by a wizard program which displays original answers to the verbal or other suitable language questions and provides a prompt for a human user to enter new answers about the devices or sensors (Column 4 lines 45-64, Figures 3a, 3b)).

As per claim 6, Gillis-Thomas teaches the process further comprising a server program which contains data values for many devices or sensors for monitoring or controlling a process occurring in real-time, and wherein the setup wizard sets up a de facto interface between the application program, and the server program (Thomas, [0024] lines 1-5).

As per claim 7, Gillis-Thomas teaches a process for creating the setup wizard comprising the steps of: (a) the user's instructing the application program to create a

Art Unit: 2174

wizard (Gillis, Column 2 lines 65-67, Column 3 lines 1-12), (b) the application software's displaying verbal questions for the user requesting details of connection to, and operating properties of, or both, a first device or sensor, and subsequently, in sequence, of any other devices or sensors having different connection details or operating properties (Gillis, Column 2 lines 65-67, Column 3 lines 1-12, Abstract; Thomas [0024] lines 1-5 ), and (c) the application software's storing answers in a setup wizard file which defines the setup wizard (Gillis, Column 3 lines 18-40, Column 7 lines 5-14).

As per claim 9, Gillis-Thomas teaches a process for running a setup wizard comprising the steps of: (a) the user's asking the application software to run a wizard (Gillis, Column 7 lines 6-46), (b) the application software's reading the setup wizard file (Gillis, Column 7 lines 6-46), (c) the wizard's determining whether the answers to verbal questions are already in the setup wizard file or can be inferred from the answers in the setup wizard file, and (d) if the answer in the preceding step is yes, stopping the process, whereby the application is left in a state of having connection details and properties of the devices or sensors (Thomas, [0025] lines 19-24).

As per claim 10, Gillis-Thomas teaches a process for running a setup wizard comprising the steps of: (a) the user's asking the application software to run a wizard (Gillis, Column 7 lines 6-46), (b) the application software's reading the setup wizard file (Gillis, Column 7 lines 6-46), (c) the wizard's determining whether the answers to all the verbal questions are already in the setup wizard file or can be inferred from the answers in the setup wizard file, (d) if the answer to the preceding question is no, the wizard's asking the user for information that is unique to a new sensor or device, and (e) the

Art Unit: 2174

application software is incorporating connection details and properties of a new device or sensor (Thomas, [0025] lines 19-24).

As per claim 11, Gillis-Thomas teaches the wizard builder computer program process to be contained within the application software, and wherein a wizard file is held on a memory means within a computer (Gillis, Column 3 lines 12-25).

As per claim 12, Gillis-Thomas teaches the computer program process wizard operates without the use of script files (Gillis, Column 3 lines 1-12,25-40).

As per claim 14, Gillis-Thomas teaches the setup wizard file to be adapted to be moved to another computer for use with the same or similar application program installed in the other computer (Gillis, Column 13 lines 60-67, Column 14 lines 1-37).

As per claim 16, Gillis-Thomas teaches the process wherein the computer running the application software comprises a personal computer, containing a communications card and server software that drives and communicates with the communications card, and wherein the personal computer may be running any suitable operating system software means (Gillis, Column 3 lines 1-65; wherein software creator tool can implement a software tool requiring information from an external machine).

As per claim 17, Gillis-Thomas teaches the wizard file to be adapted to be moved to another computer by a process of using a transfer means selected from the group consisting of: a floppy disk, serial link, network connection, or email (Gillis, Column 13 lines 60-67, Column 14 lines 1-37).

Claims 18-20 are individually similar in scope to claim 3, and are therefore rejected under similar rationale.



8. Claims 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillis ("Gillis", US 6,871,340) and Thomas ("Thomas" US 2002/0054096) in view of Gauthier et al. ("Gauthier", US 6,502,234).

As per claim 8, Gillis-Thomas teaches a process for altering the setup wizard (para.30, lines 1-2). However, Gillis-Thomas does not disclose the steps of (a) the user's instructing the application software to alter the setup wizard, (b) the application software's rerunning the verbal questions asked when the setup wizard file was created, (c) the applications software's setting the default answers to the verbal questions from the contents of the setup wizard file, (d) if the user alters a previous answer, the application software's altering the contents of the file for the setup wizard file, (e) the application software's asking the user by verbal questions for details of connection to, or operating properties of, or both, a first device or sensor, and subsequently, in sequence, any other devices or sensors having different connections details or operating properties and the application software's storing any alternate answers in the setup wizard file. Gauthier teaches a process of altering a wizard to create a new wizard comprising of the above mentioned steps (col.19, lines 40-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Gauthier's teaching with Gillis-Thomas's process in order to save time in creating wizards.

As per claim 15, Gillis-Thomas teaches the setup wizard file to be adapted to be moved to another computer for use with the same or similar application program installed in the other computer (Gillis, Column 13 lines 60-67, Column 14 lines 1-37).

### ***Response to Arguments***

Applicants argue that there is no motivation to combine the 103 references and that the Examiner makes broad conclusory statements and must give reasons for the existence of a motivation to combine. However, in response to this argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is clear that motivation was found in the reference specifically in the Thomas reference paragraph [0004].

Applicants argue that the PID loop controllers are inherent. The Examiner after discussing with a supervisor has come to the conclusion that PID loop controllers are not inherent in the application and therefore PID loop controllers are not supported by the specification as originally filed. Simply because PID loop controllers are well known

Art Unit: 2174

as pointed out by the applicant does not mean that support is given. If the Applicant intended to claim PID loop controllers, those controllers should have been specifically disclosed in the application. Although the Applicant suggests that Siemens and Honeywell systems disclose PID loop controllers, there is no definitive teaching in the specification that states the invention was tested with a certain type of controller. While the systems may contain a PID loop controller they also contain other commercially available controllers, which can be successfully used, there is no limiting to the PID loop controllers which is necessary under inherency.

Applicant's other arguments with respect to claims 1-12, 14-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-

Art Unit: 2174

4071. The examiner can normally be reached on 7:00am - 4:30pm Monday -Thursday, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Art Unit 2174  
Patent Examiner

RFP

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**Amendments to the Specification:**

A. The Specification is amended by canceling the addition to the Specification on page 3 of the July 24, 2006 Amendment submission.

B. The original Application is amended by adding the following material at the end of the first paragraph on page 6 of the original Application, after the phrase "controllers which are commonly used":

", including PID (proportional integral derivative) loop controllers, which contain both sensors and controllers."

C. The original Application is amended by adding the following material at the third line on page 17, after the phrase "Siemens PCS 7 distributed control system":

"which contains a PID loop controller."

Do Not Enter RFP

4/26/07